

## **REMARKS**

This paper is in response to the Examiner's Office Action mailed August 25, 2006. Claims 1-7, 9-13, and 18-27 were pending. No claims are added, amended, or cancelled. Claims 1-7, 9-13, and 18-27 therefore remain pending.

Reconsideration of the application is respectfully requested in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. REJECTIONS UNDER 35 U.S.C. §§ 102 & 103**

#### **A. Rejection under 35 U.S.C. § 102(b)**

The Examiner rejects claims 1, 4, 6-7, 11, 13, 18, 21, and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,271,725 to Bloch ("*Bloch*"). Assuming *arguendo* that *Bloch* and the other references cited in the Office Action qualify as prior art, Applicant respectfully traverses the above rejection, as set forth below.

In particular, Applicant notes that independent claim 1 requires, in an electrical cable assembly, the presence of a cable having a plurality of conductors, a fitting to which the cable is attached, and a "terminal attached to the fitting," the terminal including "a *terminal element substantially comprising a resilient non-electrically conductive material*."

Applicant respectfully submits that the Office Action has failed to establish that *Bloch* teaches or suggests each of the elements detailed in claim 1. Particularly, the Office Action has failed to set forth which component of *Bloch* is purported to teach the terminal explicitly included in claim 1. As the terminal is a component positively recited in the cable assembly of claim 1, and as the terminal interacts with other assembly components in a manner explicitly set forth in that claim, failure of the Office Action to point out purportedly anticipating structure for

the terminal in *Bloch* prevents Applicant from fully responding to the Office Action in seeking allowance of the present claims. Applicant therefore respectfully solicits identification of the component alleged as teaching or obviously suggesting the terminal in as much detail as is outlined in independent claim 1 so as to allow a proper response to be made.

The rejection of claim 1 under Section 102 is deficient in other ways as well. Specifically, though it points out one component of the terminal of claim 1 allegedly taught by *Bloch*, i.e., the terminal element (purportedly taught by the “plate 17” of *Bloch*), the Office Action provides no support whatsoever that the plate 17 of *Bloch* is either non-electrically conductive or resilient – two characteristics explicitly required for the terminal element in claim 1. By failing to sufficiently set forth those portions of the disclosure of *Bloch* that purport to teach the characteristics required of the terminal element in claim 1, the Office Action has failed to establish that *Bloch* indeed anticipates claim 1 as currently pending.

Indeed, a brief review of *Bloch* will reveal that no details are provided therein regarding any conductive or resilient qualities of its plate 17. In fact, because *Bloch*’s plate includes a plurality of connector pins 18 positioned therein (col. 2, ll. 38-39; Fig. 1), and because *Bloch* prefaces the description of its connector assembly invention with a discussion of pin damage problems due to pin misalignment (col. 1, ll. 15-16, 33-38), it is reasonable to conclude that the plate 17 holding the connector pins 18 is not resilient but rather rigid. This rigidity would ensure that the pins are held in their proper position, so as to be aligned for engagement with the apertures 24 of the stripper plate 23 and the connector sockets 4 of the receptacle 1 when the connector assembly mates with the receptacle, as shown in Figure 2 of *Bloch*. If the plate 17 of *Bloch* were assumed to be resilient (which again is not taught by *Bloch*), the desired alignment of the connector pins 18 could be compromised as the plate would allow them to more easily deform from their preferred positions, thereby producing possible misalignment given the flexible nature of the plate.

That any resilient characteristics are not taught by *Bloch* is further evidenced by the Office Action itself, wherein it admits in its rejection of claims 3, 10, and 20 that *Bloch* does not teach the “terminal element,” purported in the Office Action to be the plate 17, as being composed of “rubber, nylon ....” Office Action, p. 3.

Applicant notes that further deficiencies exist with respect to the rejection of claim 1 under Section 102 as set forth in the Office Action. These deficiencies include: the failure to

adequately point out those portions of *Bloch* that purport to teach the first and second ends of the terminal element; the at least indirect attachment of the plurality of electrical contacts to the terminal element proximate its second end; and the joint cooperatively defined by the terminal and the fitting, among others. Respectfully, the failure of the Office Action in setting forth the purported anticipating structure in *Bloch* prevents the Applicant from fully responding to the rejections contained therein in seeking allowance of the present claims. Clarification of these aspects of the rejection is therefore respectfully solicited.

As the above discussion makes clear, the Office Action has not established a *prima facie* case of anticipation with respect to independent claim 1 for its failure to adequately set forth the teaching by *Bloch* of each and every element required in claim 1. Consequently, claim 1 is considered allowable, as are claims 2-5, which depend therefrom. Applicant therefore respectfully submits that each of the above claims is patentably distinct and requests that the Section 102 rejection in view of *Bloch* be withdrawn.

Independent claims 6 and 13 are also allowable in light of *Bloch* as set forth in the Office Action. In particular, claims 6 and 13 both disclose a cable assembly that requires the presence of a cable having a plurality of conductors, a fitting attached to the cable, and a terminal including a “terminal element substantially comprising a resilient non-electrically conductive material.” As set forth above, the Office Action has failed to establish a *prima facie* case of anticipation with respect to at least these limitations. Thus these claims, together with their dependent claims 7, 9-12 and 18-23, respectively, are also allowable, and the Section 102 rejection in view of *Bloch* should be withdrawn.

In addition, Applicant notes that at least one other deficiency exists with respect to the rejection of claim 6 under Section 102, namely, the failure of the Office Action to adequately set forth any teaching of *Bloch* with respect to “a substantially annular groove” defined by the terminal element, required by claim 6. Respectfully, the failure of the Office Action in setting forth the purported anticipating structure in *Bloch* prevents the Applicant from fully responding to the rejections contained therein in seeking allowance of the present claims. Thus, claim 6 and its respective dependent claims are considered allowable by Applicant on this basis as well.

**B. Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 2, 9, and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Bloch* in view of U.S. Patent No. 4,737,122 to Dechelette. Claims 3, 5, 10, 12, 20, and 22 are also rejected under Section 103(a) as being unpatentable over *Bloch*.

Applicant notes that each of the above rejections is based upon the *Bloch* reference. It is further noted that each of the rejected claims above is dependent upon one of independent claims 1, 6, and 13. As was previously discussed, the Office Action has failed to make out a *prima facie* case of anticipation with respect to independent claims 1, 6, and 13 for failing to adequately set forth that *Bloch* teaches each and every element required in these claims. Thus, *Bloch* is equally inapplicable to the present claims rejected under Section 103 for at least the same reasons, that is, the failure of the Office Action to set forth the teaching by *Bloch* of all of the claim limitations contained not only in independent claims 1, 6, and 13, but also the limitations contained in the present rejected dependent claims. Thus, the Office Action has failed to make out a *prima facie* case of obviousness. Applicant therefore submits that claims 2-3, 5, 9-10, 12, 19-20, and 22 are allowable and that the above rejection should be withdrawn.

Claims 24-27 are rejected under Section 103(a) as being unpatentable over *Bloch* in view of U.S. Patent Application Publication No. 2003/0087553 to Tang ("*Tang*"). Applicant respectfully traverses this rejection, as set forth below.

In particular claim 24, like the independent claims already discussed, discloses a cable assembly that requires the presence of a cable having a plurality of conductors, a fitting attached to the cable, and a terminal including a "terminal element substantially comprising a resilient non-electrically conductive material." As set forth above in the previous section discussing the claim rejections under Section 102, the Office Action has failed to establish that *Bloch* teaches each of these elements. The second reference, *Tang*, also fails to rectify this deficiency. Thus, despite the assertions of the Office Action, *Bloch* and *Tang* -- taken either alone or together -- fail to establish a *prima facie* case of obviousness with respect to claim 24 and its corresponding dependent claims 25-27. Accordingly, the rejection to these claims under Section 103 should be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicant believes the claims as currently pending are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 26<sup>th</sup> day of December, 2006.

Respectfully submitted,

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